

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

NEW ENGLAND CARPENTERS HEALTH  
BENEFITS FUND, PIRELLI ARMSTRONG  
RETIREE MEDICAL BENEFITS TRUST,  
TEAMSTERS HEALTH & WELFARE FUND  
OF PHILADELPHIA AND VICINITY, and  
PHILADELPHIA FEDERATION OF  
TEACHERS HEALTH AND WELFARE FUND,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri  
corporation, and MCKESSON CORPORATION,  
a Delaware corporation,

Defendants.

Case No. 1:05-CV-11148-PBS

**DEFENDANT MCKESSON CORPORATION'S MOTION TO DISMISS COMPLAINT**

**DEFENDANT MCKESSON CORPORATION'S MOTION TO DISMISS THE COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 9(b) and 12(b), Defendant McKesson Corporation respectfully moves this Court for dismissal of all claims against it in the Complaint. The grounds for this motion are stated in the Memorandum in Support of Defendant McKesson Corporation's Motion to Dismiss Complaint.

**REQUEST FOR ORAL ARGUMENT**

Defendant McKesson Corporation believes that oral argument will assist the Court in deciding this motion, and respectfully requests that the Court hear oral argument on this motion.

WHEREFORE, for the reasons set forth in the memorandum described above, Defendant McKesson Corporation respectfully requests that the Court grant its motion to dismiss the claims against it in the Complaint and enter an Order:

- a. dismissing all claims against McKesson Corporation in the Complaint with prejudice; and
- b. providing such other and further relief as the Court deems just and proper.

Respectfully submitted,  
McKesson Corporation  
By its attorneys:

Dated: October 19, 2005

/s/ Joan M. Griffin  
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(*pro hac vice* applications pending)

**CERTIFICATE OF SERVICE**

I, Michael P. Twohig, hereby certify that a true and accurate copy of the above document was served on the attorney of record for each other party via the Court's electronic filing system and First Class U.S. Mail this 19th day of October, 2005.

\_\_\_\_\_/s/ Michael P. Twohig\_\_\_\_\_

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

I, Michael P. Twohig, counsel of record for defendant McKesson Corporation, hereby certify that of counsel attorney Tiffany Cheung conferred with counsel for plaintiffs in an effort to resolve the dispute referred to in this motion, and that the parties have not been able to reach agreement with respect thereto.

\_\_\_\_\_/s/ Michael P. Twohig\_\_\_\_\_